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November 7, 2013

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VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC

Re: Connect America Fund Phase I Second Round Support;
Written *Ex Parte* Presentation WC Docket No. 10-90

Dear Ms. Dortch:

On October 31, 2013, the Wireline Competition Bureau (“Bureau”) released a Public Notice authorizing funding for the second round of Connect America Phase I in response to an election from Puerto Rico Telephone Company, Inc. (“PRT”).¹ Shortly after the release of the Public Notice, PRT learned of a challenge to PRT’s Phase I second round election filed by Puerto Rico Cable Acquisition Corp. d/b/a Choice Cable T.V. (“Choice”) through counsel. Based upon a review of the pleading filed, it appears that it was filed by hand on September 27, 2013 pursuant to a request for confidential treatment, and therefore had not been posted on the Commission’s Electronic Comment Filing System in a form Redacted for Public Inspection.² In the filing, Choice challenges PRT’s election of support for census blocks 721130723002036 and 721130723002010. Choice asserts that it offers broadband meeting or exceeding the Commission’s performance requirements in these areas. Although PRT retains its right to challenge Choice’s assertion as part of the Phase II challenge process, it need not do so now because of the flexibility provided by the Commission to use Phase I support in a way that moots the necessity of the Commission resolving Choice’s challenge.

When electing to receive second round Phase I support, price cap carriers must provide a list of census blocks unserved by 3 Mbps/768 kbps Internet access in which they intend to deploy to meet their buildout obligations.³ However, the Commission has noted that “the census blocks listed in a recipient’s Phase I election

¹ See Over \$32 Million of Connect America Funding Authorized to Connect Unserved Homes and Businesses in Alaska, Hawaii, and Puerto Rico, WC Docket No. 10-90, *Public Notice*, DA 13-2103 (WCB rel. Oct. 31, 2013).

² See 47 C.F.R. § 0.459(a)(2).

³ See Connect America Fund, WC Docket 10-90, *Report and Order*, 28 FCC Rcd 7766 ¶ 31 (2013).



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are merely a good faith statement of the recipient's initial intentions of where it plans to deploy broadband-capable infrastructure. The recipient is not bound by this list: a carrier is free to deploy to blocks not on the list and is free to not deploy to all blocks on the list. This flexibility allows recipients to adjust their plans as needed, if future conditions necessitate a reevaluation of capital improvement plans."⁴ To facilitate the timely release of funds authorized pursuant to the second round of Phase I and the prompt delivery of broadband services to residents of Puerto Rico, and without conceding the validity of Choice's challenge, PRT hereby notifies the Commission of its intention to take advantage of the flexibility contemplated by the *Connect America Fund Phase I Second Round Order* by using the funding provided in the Second Round to bring broadband service to eligible locations not in the census blocks challenged by Choice.

PRT was authorized to receive approximately \$7,212.00 of funding to serve 9 locations in census block 721130723002036 and approximately \$36,030 to serve 47 locations in census block 721130723002010. Instead, PRT plans to use that \$43,242 of second round support to serve 56 eligible locations in other census blocks.

Please contact me with any questions regarding this filing.

Best regards,

/s/ Thomas J. Navin

Thomas J. Navin

Counsel to Puerto Rico Telephone Company, Inc.